

Los Angeles Regional Water Quality Control Board

TO: Los Angeles County MS4 Permittees and Interested Persons

FROM: Renee Purdy *Renee Purdy*
Section Chief
Regional Programs

DATE: June 19, 2012

SUBJECT: CORRECTION TO ATTACHMENT G, SECTION VIII "MUNICIPAL ACTION LEVELS" OF DRAFT TENTATIVE LOS ANGELES COUNTY MS4 PERMIT

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) released the draft tentative Los Angeles County Municipal Separate Storm Sewer System Permit (Tentative LA County MS4 Permit) and supporting documents on June 6, 2012. Since the release, Los Angeles Water Board staff identified an error in the Municipal Action Levels (MALs) contained in Attachment G, Section VIII, pages G-16 to G-17 of the Tentative LA County MS4 Permit. Specifically, the text on page G-17 of the Tentative LA County MS4 Permit describes the MALs as being the *upper* 25th percentile pollutant concentration based on nationwide Phase I MS4 monitoring data for pollutants in storm water. However, the numbers in the MAL tables on pages G-16 and G-17 for "Conventional Pollutants" and "Metals" were inadvertently included as the *lower* 25th percentile pollutant concentrations.

To correct this error, Los Angeles Water Board staff is hereby issuing a correction sheet that replaces the numbers in the two MAL tables on pages G-16 and G-17 of the June 6, 2012 Tentative LA County MS4 Permit with MALs based on the *upper* 25th percentile pollutant concentrations that were obtained from the National Stormwater Quality Database v3 (February 2008) for Rain Zone 6. Additionally, Los Angeles Water Board staff is hereby striking the first sentence of the fifth paragraph in Attachment F (Fact Sheet), Section IV.B "Technology-Based Effluent Limitations" on page F-31, which inaccurately describes the intended use of the MALs. As described in the text on page G-17 of Attachment G to the Tentative LA County MS4 Permit, Los Angeles Water Board staff proposes that the MALs be utilized by Permittees to identify subwatersheds discharging pollutants at levels in excess of the MALs as a means of prioritizing implementation of storm water controls. These changes are reflected on the correction sheet attached to this memorandum.

Issuance of this correction sheet will not change any of the deadlines established in the Notice of Opportunity for Public Comment and Notice of Public Hearing (Notice) dated June 6, 2012. Consistent with Section VI of the Notice, submittal of written comments and evidence on the Tentative LA County MS4 Permit, including the changes reflected on the attached correction sheet, are still due to the Los Angeles Water Board by **12:00 pm on July 23, 2012**.

If you have any questions, please do not hesitate to contact Mr. Ivar Ridgeway at (213) 620-2150 or myself at (213) 576-6622.

Attachment: Correction Sheet / Replacement Pages for Attachment G, pages G-16 to G-18 and Attachment F, page F-31

Nickel, Total Recoverable								
Hardness (mg/L as CaCO ₃)	AMAL (µg/L)	MDAL (µg/L)	Hardness (mg/L as CaCO ₃)	AMAL (µg/L)	MDAL (µg/L)	Hardness (mg/L as CaCO ₃)	AMAL (µg/L)	MDAL (µg/L)
85.0	37.1	74.5	205.0	78.2	156.9	350.0	123.0	246.7
90.0	39.0	78.2	210.0	79.8	160.2	360.0	125.9	252.7
95.0	40.8	81.9	215.0	81.4	163.4	370.0	128.9	258.6
100.0	42.6	85.5	220.0	83.0	166.6	380.0	131.8	264.5
105.0	44.4	89.1	225.0	84.6	169.8	390.0	134.8	270.4
110.0	46.2	92.7	230.0	86.2	173.0	400.0	137.7	276.2
115.0	48.0	96.2	235.0	87.8	176.1	>400	137.7	276.2
120.0	49.7	99.8	240.0	89.4	179.3			

Zinc, Total Recoverable								
Hardness (mg/L as CaCO ₃)	AMAL (µg/L)	MDAL (µg/L)	Hardness (mg/L as CaCO ₃)	AMAL (µg/L)	MDAL (µg/L)	Hardness (mg/L as CaCO ₃)	AMAL (µg/L)	MDAL (µg/L)
5.0	4.7	9.4	125.0	72.0	144.5	245.0	127.4	255.6
10.0	8.5	17.0	130.0	74.5	149.4	250.0	129.6	260.0
15.0	11.9	24.0	135.0	76.9	154.2	255.0	131.8	264.4
20.0	15.2	30.6	140.0	79.3	159.1	260.0	134.0	268.8
25.0	18.4	37.0	145.0	81.7	163.9	265.0	136.1	273.1
30.0	21.5	43.1	150.0	84.1	168.6	270.0	138.3	277.5
35.0	24.5	49.1	155.0	86.4	173.4	275.0	140.5	281.9
40.0	27.4	55.0	160.0	88.8	178.1	280.0	142.6	286.2
45.0	30.3	60.8	165.0	91.1	182.8	285.0	144.8	290.5
50.0	33.1	66.5	170.0	93.5	187.5	290.0	146.9	294.8
55.0	35.9	72.1	175.0	95.8	192.2	295.0	149.1	299.1
60.0	38.7	77.6	180.0	98.1	196.8	300.0	151.2	303.4
65.0	41.4	83.0	185.0	100.4	201.4	310.0	155.5	312.0
70.0	44.1	88.4	190.0	102.7	206.0	320.0	159.7	320.5
75.0	46.7	93.7	195.0	105.0	210.6	330.0	163.9	328.9
80.0	49.3	99.0	200.0	107.3	215.2	340.0	168.1	337.4
85.0	51.9	104.2	205.0	109.5	219.8	350.0	172.3	345.8
90.0	54.5	109.4	210.0	111.8	224.3	360.0	176.5	354.1
95.0	57.1	114.5	215.0	114.0	228.8	370.0	180.6	362.4
100.0	59.6	119.6	220.0	116.3	233.3	380.0	184.8	370.7
105.0	62.1	124.7	225.0	118.5	237.8	390.0	188.9	379.0
110.0	64.6	129.7	230.0	120.7	242.3	400.0	193.0	387.2
115.0	67.1	134.7	235.0	123.0	246.7	>400	193.0	387.2
120.0	69.6	139.6	240.0	125.2	251.2			

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VIII. MUNICIPAL ACTION LEVELS

Conventional Pollutants

Pollutants	pH	TSS mg/L	COD mg/L	Kjedahl Nitrogen (TKN) mg/L	Nitrate & Nitrite- total mg/L	P- total mg/L
Municipal Action Level	<u>7.70</u> 6.0 9.0	<u>264.1</u> 26.3	<u>247.5</u> 32	<u>4.59</u> 0.80	<u>1.85</u> 0.34	<u>0.80</u> 0.14

Metals

Pollutants	Cd- total µg/L	Cr-total µg/L	Cu- total µg/L	Pb- total µg/L	Ni- total µg/L	Zn- total µg/L	Hg- total µg/L
Municipal Action Level	<u>2.52</u> 0.44	<u>20.20</u> 3.7	<u>71.12</u> 7	<u>102.00</u> 5	<u>27.43</u> 4.8	<u>641.3</u> 40	<u>0.32</u> 0.1

This Order establishes Municipal Action Levels (MALs) to identify subwatersheds requiring additional Best Management Practices (BMPs) to reduce pollutant loads and prioritize implementation of additional BMPs. MALs for selected pollutants are based on nationwide Phase I MS4 monitoring data for pollutants in storm water (<http://unix.eng.ua.edu/~rpitt/Research/ms4/mainms4.shtml>~~<http://unix.eng.ua.edu/~rpitt/Research/Research.shtml>~~, last visited on May 9, 2012). The MALs were obtained by computing the upper 25th percentile for selected pollutants for Rain Zone 6.

Under this Order, the Municipal Action Levels (MALs) shall be utilized by Permittees to identify subwatersheds discharging pollutants at levels in excess of the MALs. Within those subwatersheds where pollutant levels in the discharge are in excess of the MALs, Permittees shall implement controls and measures necessary to reduce the discharge of pollutants.

In order to determine if MS4 discharges are in excess of the MALs, Permittees shall conduct outfall monitoring as required in the Monitoring and Reporting Program (MRP) (Attachment E). A MAL Assessment Report shall be submitted to the Regional Water Board Executive Officer as part of the Annual Report. The MAL Assessment Report shall present the monitoring data in comparison to the applicable MALs, and identify those subwatersheds with a running average of twenty percent or greater of exceedances of the MALs listed in this attachment in discharges of storm water from the MS4.

Beginning in Year 3 after the effective date of this Order, each Permittee shall submit a MAL Action Plan with the Annual Report (first MAL Action Plan due with December 15, 2013 Annual Report) to the Regional Water Board Executive Officer, for those subwatersheds with a running average of twenty percent or greater of exceedances of the MALs in any discharge of

Attachment G – Non-Storm Water Action Levels

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storm water from the MS4. The plan shall include an assessment of the sources responsible for the MAL exceedances, the existing storm water programs and BMPs that address those sources, an assessment of potential program enhancements, alternative BMPs and actions the Permittee shall implement to reduce discharges to a level that is equivalent to or below the MALs, and an implementation schedule for such actions for Executive Officer approval. The MAL Action Plan shall provide the technical rationale to demonstrate the proposed measures and controls will attain the MALs. If the MAL Action Plan is not approved within 90 days of the due date, the Executive Officer may establish an appropriate plan with at least 90 day notification and consultation to the Permittees.

Within 90 days of the plan approval by the Regional Water Board Executive Officer, the Permittee shall initiate the BMPs and actions proposed in the MAL Action Plan, together with any other practicable BMPs or actions that the Executive Officer determines to be necessary to meet the MALs. The Permittee shall complete the proposed actions in accordance with the approved implementation schedule.

Upon completion of the actions specified in the approved MAL Action Plan, the Permittee shall re-monitor the subject subwatershed in accordance with the MRP, and submit a Post-Project MAL Assessment Report to the Regional Water Board Executive Officer.

As additional data become available through the MRP or from the Regional Subset of the National Dataset, MALs may be revised annually by the Regional Water Board Executive Officer in accordance with an equivalent statistical method as that used to establish the MALs in this attachment with at least 90 day notification and consultation to the Permittees.

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in outfalls at the Boeing Santa Susana Field Laboratory that have potential municipal applications.

To provide clarification to the Regional Water Boards, the State Water Board's Office of Chief Counsel issued a memorandum dated February 11, 1993 regarding the "Definition of 'Maximum Extent Practicable'". In the memorandum, the State Water Board interpreted the MEP standard to entail "a serious attempt to comply," and that under the MEP standard, "practical solutions may not be lightly rejected." The memorandum states, "[i]n selecting BMPs which will achieve MEP, it is important to remember that municipalities will be responsible to reduce the discharge of pollutants in storm water to *the maximum extent practicable*. This means choosing effective BMPs, and rejecting applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost would be prohibitive." The memorandum further states that, "[a]fter selecting a menu of BMPs, it is of course the responsibility of the discharger to insure that all BMPs are implemented."

This Order includes programmatic requirements in six areas pursuant to 40 CFR section 122.26(d)(2)(iv) as well as numeric design standards for storm water runoff from new development and redevelopment consistent with the federal MEP standard (see State Water Board Order WQ 2000-11, the "LA SUSMP Order"). This Order also includes protocols for periodically evaluating and modifying or adding control measures, consistent with the concept that MEP is an evolving and flexible standard.

~~This Order also provides for the use of municipal action levels ("MALs") derived from the National Stormwater Quality Database (NSQD), as a means of evaluating the overall effectiveness of a Permittee's storm water management program in reducing pollutant loads from a particular drainage area and in order to assess compliance with the MEP standard.~~ Finally, this Order includes BMP Performance Standards derived from the International BMP Database as a guide for BMP selection and design, and as a tool for evaluating the effectiveness of individual post-construction BMPs in reducing pollutant loads and assessing compliance with the MEP standard. USEPA recommends the use of numeric benchmarks for BMPs to estimate BMP effectiveness and as triggers for taking additional actions such as evaluating the effectiveness of individual BMPs, implementing and/or modifying BMPs, or providing additional measures to protect water quality.¹⁵

C. Water Quality-Based Effluent Limitations (WQBELs)

In addition to requiring that MS4 permits include technology based requirements consistent with the MEP standard, section 402(p)(3)(B)(iii) of the CWA authorizes the inclusion of "such other provisions as the Administrator or the State determines appropriate for the control of [] pollutants."¹⁶ This requirement gives USEPA or the State

¹⁵ See USEPA November 22, 2002 memorandum, "Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs."

¹⁶ The first and second iterations of the Los Angeles County MS4 Permit relied solely upon requirements consistent with the MEP standard to work toward achieving water quality standards. Note that the MEP standard is distinct from a water quality based standard; each has a different basis. Therefore, while from a practical point of view, the goal of all MS4 permit conditions is to control pollutants in discharges to ultimately achieve certain water quality outcomes, water quality based